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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JASON MARK HART,

10 Plaintiff,

11 v.

12 KARIE RAINER, et al.,

13 Defendant.

CASE NO. 2:20-cv-01464-RSM-BAT

**ORDER DENYING “MOTION FOR
SUBMISSION OF EVIDENCE”,
“MOTION OF SUBMISSION OF
EVIDENCE AS A PART OF
DISCOVERY”, AND “MOTION
FOR PRODUCTION OF
DISCOVERY” AND GRANTING
MOTION TO EXTEND PRETRIAL
DEADLINES**

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15 Plaintiff, Jason Mark Hart, proceeds pro se in this 42 U.S.C. 1983 civil rights action.

16 Plaintiff has filed a “Motion for Submission of Evidence”, (Dkt. 20) “Motion of Submission of
17 Evidence as a Part of Discovery”, (Dkt. 22) “Motion for Production of Discovery” (Dkt. 21) and
18 “Motion for Enlargement of Time of Dispositive Motions and Discovery” (Dkt. 25). For the
19 reasons below, plaintiff’s Motion for Submission of Evidence”, (Dkt. 20) “Motion of Submission
20 of Evidence as a Part of Discovery”, (Dkt. 22) and “Motion for Production of Discovery” (Dkt.
21 21) are DENIED and plaintiff’s “Motion for Enlargement of Time of Dispositive Motions and
22 Discovery” (Dkt. 25) is GRANTED.

23 ORDER DENYING “MOTION FOR
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DISCUSSION

Plaintiff's "Motion for Submission of Evidence" (Dkt. 20) seeks to "submit evidence against" certain defendants. Plaintiff attaches numerous exhibits that appear to include medical records and grievance records. Plaintiff's "Motion for Production of Discovery" (Dkt. 21) appears to ask for various records as a part of discovery. Plaintiff's "Motion of Submission of Evidence as a Part of Discovery" (Dkt. 22) indicates that plaintiff is submitting "22 pages of evidence" and asks that "defense submit matching evidence to corroborate, validate, and authenticate as part of discovery process and hereby request that defense meet all discovery requests or face a rule 37(e) (c) (2) (?) default judgment."

Defendants oppose plaintiff's requests noting that filing discovery requests with the Court is improper. Dkts. 23, 24. Defendants also note that plaintiff's "Motion for Production of Discovery" includes a list of nine Requests for Production similar to plaintiff's first set of Requests for Production of Documents which have been served on defendants. *Id.* Defense counsel indicates she is in the process of collecting and reviewing potentially responsive documents and drafting objections and responses to those requests. *Id.* Defendants also point out that plaintiff did not comply with the meet and confer requirements of Fed. Rule Civ. Pro. 26 and 37 or Local Rules 26 and 37 prior to filing his discovery motion. *Id.*

Pursuant to Local Civil Rule (LCR) 5(d): "Rule 26 initial disclosures and discovery requests and responses ***must not be filed*** unless they are used in the proceedings or the court orders filing." LCR 5(d) (emphasis added). Accordingly, to the extent plaintiff seeks to submit discovery materials to the Court such a request is improper. Likewise, to the extent plaintiff seeks to simply submit "evidence" to the Court this request is also not appropriate as plaintiff has

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1 not submitted that evidence in support of any specific request for relief or to oppose any specific
2 request for relief from defendants. Moreover, Fed. R. Civ. P. 37(a) provides, in relevant part:

3 On notice to other parties and all affected persons, a party may move for an order
4 compelling disclosure or discovery. The motion must include a certification that the
5 movant has in good faith conferred or attempted to confer with the person or party failing
6 to make disclosure or discovery in an effort to obtain court action.

7 Similarly, LCR 37 provides, in relevant part:

8 Any motion for an order compelling disclosure or discovery must include a certification,
9 in the motion or in a declaration or affidavit, that the movant has in good faith conferred
10 or attempted to confer with the person or party failing to make disclosure or discovery in
11 an effort to resolve the dispute without court action. The certification must list the date,
12 manner, and participants to the conference. If the movant fails to include such a
13 certification, the court may deny the motion without addressing the merits of the dispute.
14 A good faith effort to confer with a party or person not making a disclosure or discovery
15 requires a face-to-face meeting or a telephone conference.

16 LCR 37. Plaintiff does not indicate in his motions that he complied with the meet and confer
17 requirement and defense counsel denies that he has done so.

18 Accordingly, plaintiff's Motion for Submission of Evidence", (Dkt. 20) "Motion of
19 Submission of Evidence as a Part of Discovery", (Dkt. 22) and "Motion for Production of
20 Discovery" (Dkt. 21) are DENIED.

21 Plaintiff also filed a "Motion for Enlargement of Time of Dispositive Motions and
22 Discovery" (Dkt. 25) in which he seeks a 90-day extension of the discovery and dispositive
23 motions deadlines. Defendants indicate that they do not oppose plaintiff's request as they are
working on responding to plaintiff's discovery requests and agree an extension is appropriate.
Accordingly, plaintiff's "Motion for Enlargement of Time of Dispositive Motions and
Discovery" (Dkt. 25) is GRANTED. The pretrial scheduling order is amended as follows: the
discovery deadline is extended to July 6, 2021, and the dispositive motions deadline is extended

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1 to August 6, 2021.

2 **CONCLUSION**

3 For the foregoing reasons:

- 4 • Plaintiff's Motion for Submission of Evidence", (Dkt. 20) "Motion of Submission of
5 Evidence as a Part of Discovery", (Dkt. 22) "Motion for Production of Discovery" (Dkt.
6 21) are DENIED.
- 7 • Plaintiff's "Motion for Enlargement of Time of Dispositive Motions and Discovery"
8 (Dkt. 25) is GRANTED. The pretrial scheduling order is amended as follows: the
9 discovery deadline is extended to **July 6, 2021**, and the dispositive motions deadline is
10 extended to **August 6, 2021**.
- 11 • The Clerk shall provide a copy of this order to the parties.

12 DATED this 3rd day of May, 2021.

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BRIAN A. TSUCHIDA
15 United States Magistrate Judge